

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

GEORGE HALL,

Plaintiff,

vs.

Case No. 11-CV-4013-JTM/DJW

ASSOCIATED INTERNATIONAL INSURANCE
COMPANY.

Defendant.

MEMORANDUM AND ORDER

Defendant Associated International Insurance Company's Motion for Dismissal (Dkt. No. 69) is before the court. For the following reasons, the court grants the motion.

The court previously dismissed all claims against co-defendant Proctor Financial, Inc., managing general agent of Associated. Hall's claims against Associated are based entirely on its liability for Proctor's actions. Because plaintiff's Complaint failed to state a claim against Proctor, it also fails to state a claim against Associated. *See* Dkt. No. 66. Plaintiff does not dispute this in his Response, rather he argues the court should not have granted Proctor's Motion to Dismiss. In fact, plaintiff spends his entire Response brief arguing this court should reconsider its previous ruling. Seeking reconsideration in a response to a motion to dismiss is not proper. If plaintiff wanted to seek reconsideration of this court's previous Order (Dkt. No. 66), he should have done so in accordance with D. Kan. R. 7.3(a) and Fed. R. Civ. P. 60.

IT IS ACCORDINGLY ORDERED this 10th day of November 2011, that Associated International Insurance Company's Motion for Dismissal (Dkt. No. 69) is granted.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE